

THE LAW OFFICE OF
ELISA HYMAN, P.C.

The Honorable Paul A. Engelmayer
United States District Court Judge
Southern District of New York
40 Foley Square
New York, New York 10007

June 24, 2025

RE: *E.O., et al. v. NYC DOE, et al.*, 24-cv-9152 (PAE)(GWG)

Dear Judge Engelmayer:

I represent Plaintiffs in the above-referenced litigation, which was filed by E.O., on behalf of herself and her 9-year-old son, N.I., who has borderline IQ and other physical and mental disabilities, pursuant to the Individuals with Disabilities Education Act (“IDEA”), Section 504 of the Rehabilitation Act of 1973 (“Section 504”), and Section 1983. Amended Complaint, ECF No. 18. The amended complaint raises the following categories of claims: (a) individual claims of discrimination pursuant to Section 504; (b) systemic claims that could not be exhausted during the administrative process; (c) claims regarding the Defendants’ alleged and ongoing failure to implement a hearing order; (d) Section 1983 claims concerning DOE’s illegal policies and practices as well as with respect to Defendants’ failure to train and supervise concerning the provision of FAPE and various services; and (e) claims for attorney’s fees. On June 13, 2025, Defendants filed a partial motion to dismiss the amended complaint, and we are in the midst of the briefing schedule, with our opposition papers due June 27, 2025.

I am writing to respectfully request a stay of the proceedings for 60 days to enable the parties to explore the possibility of settlement. Defense counsel joins in this request. At the end of April, 2025, Plaintiffs provided Defendants with a formal settlement demand. Since then, the parties have been discussing aspects of a proposed settlement. A 60-day stay would allow the parties additional time to determine the likelihood of settlement. As Your Honor may be aware, it is difficult for Plaintiffs to pursue litigation and settlement at the same time, due to the fee-shifting nature of the action. Accordingly, in order not to incur additional costs on motion practice, which is costly and time-consuming, the parties respectfully request a joint stay. The parties propose the submission of a status report in 45 days, or no later than August 11, 2025, regarding the status of settlement.

Thank you for your time and attention to this matter and consideration of the application herein.

Respectfully submitted,

Jay Weinstein
Jay Weinstein

Attorney for Plaintiffs
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cc: All counsel of record

GRANTED. A joint status report will be due August 11, 2025.

SO ORDERED.

Paul A. Engelmayer

PAUL A. ENGELMAYER
United States District Judge

Dated: June 26, 2025

New York, New York